

REMARKS

Reconsideration of this application is respectfully requested.

I. Status of the Application

Claims 1 - 16 are currently pending in this application. With this Amendment, Applicants amend claim 1, and add new claims 17 - 23. No new matter is added. Support for the amendments may be found, for example, in Applicant's specification at page 9, lines 16 - 20 and page 10, lines 14 - 22.

II. Claim Rejections

Claims 1 - 16 have been rejected under 35 USC §103(a) as being unpatentable over Kuisma et al. (U.S. Patent Application No. 2002/0078228) in view of Cantwell et al. (U.S. Patent No. 6,553,237). Applicant amends independent claim 1 to make clear that the claimed method is directed to a wireless telephone in a wireless network, and respectfully traverse the rejections

In amended independent claim 1, for example, Applicants claim:

1. A method for handling messaging errors in a wireless network resulting from an attempted receipt of a message by a wireless telephone comprising the steps of:

receiving a message notification from a first messaging switch, the message notification being associated with a message at a second messaging switch;

initially attempting to retrieve the message from the second messaging switch;

if an error message describing an error condition is received from the second messaging switch, then

classifying the error condition as temporal or permanent; and if the error condition is temporal, then

automatically performing a plurality of retry attempts to retrieve the message, each retry attempt being performed after a corresponding waiting period has passed since the previous attempt to retrieve the message.

Kuisma discloses a method of transferring a multimedia message in a multimedia messaging system from a multimedia messaging center to a wireless terminal (see, e.g., abstract of Kuisma). As acknowledged by the Examiner, Kuisma fails to disclose or suggest a method for performing retry attempts in the event that the message transfer results in an error. The Examiner suggests that this deficiency is overcome by the addition of Cantwell.

Cantwell discloses a method for controlling network accesses attempted by a remote unit (wireless terminal) in a wireless network (see, e.g., abstract of Cantwell). Like Applicants' claimed method, Cantwell's method discloses steps for controlling subsequent access attempts in the event that an initial access attempt is unsuccessful. However, in sharp contrast to Applicants' claimed method, Cantwell in combination with Kuisma fails to disclose or suggest method steps for first classifying error conditions as temporal or permanent, and then performing one or more retry attempts only if the error condition is judged to be temporal. By entirely eliminating retry attempts under "permanent" error conditions which are unlikely to be remedied within a short period of time. Applicants' claimed classification step improves upon the method taught and suggested by the cited references by avoiding retry attempts that have a very low probability of success (see, e.g., page 8, lines 3 - 7 of Applicants' specification).

Accordingly, Applicants respectfully submit that amended independent claim 1 is not made obvious by the combination of Kuisma and Cantwell, and is in condition for allowance. As current independent claim 9 also includes an error classification step that is substantially similar to the error classification step of allowable claim 1, Applicants further submit that current independent claim 9 is also allowable for at least this reason.

Each of current dependent claims 2 - 8 and 10 - 16 depends from one of allowable independent claims 1 and 9. Applicants respectfully submit that each of dependent claims 2 - 8 and 10 - 16 is allowable for at least this reason.

III. New Claims

With this Amendment, Applicants add new claims 17 - 23. As each of new claims 17 - 23 depends from allowable independent claim 1, Applicants respectfully submit that new claims 17 - 23 are also allowable for at least this reason. In addition, Applicants submit that new claims 18 - 23 are also allowable on additional grounds.

In original claim 7, Applicants claim the method of claim 1, further comprising the step of modifying a maximum number of retry attempts that is defined for the wireless telephone. In new claims 18 and 19, Applicants further claim:

18. The method of claim 7, wherein the maximum number of retry attempts is modified according to a change in a monitored characteristic of the network.

20. The method of claim 7, wherein the maximum number of retry attempts is modified according to a physical location of the wireless telephone.

Applicants respectfully submit that Kuisma and Cantrell, alone and in combination, fail to teach or suggest a method for performing message retrieval retry attempts in which a maximum number of retry attempts is set and modified according to one of a monitored characteristic of the wireless network and a physical location of the wireless telephone.

In original claim 8, Applicants claim the method of claim 1, further comprising the step of modifying a length of one or more of the predefined retry waiting periods that is defined for the wireless telephone. In new claims 21 and 23, Applicants further claim:

21. The method of claim 8, wherein the length of one or more of the corresponding waiting periods is modified according to a change in a monitored characteristic of the wireless network.

23. The method of claim 8, wherein the length of one or more of the corresponding waiting periods is modified according to a physical location of the wireless telephone.

Applicants respectfully submit that Kuisma and Cantrell, alone and in combination, fail to teach or suggest a method for performing message retrieval retry attempts in which a length of one or more predefined waiting periods is set and modified according to one of a monitored characteristic of the wireless network and a physical location of the wireless telephone.

Accordingly, Applicants respectfully submit that new claims 18, 20, 21 and 23 are allowable for these additional reasons. As claims 19 and 22 respectively depend from allowable claims 18 and 21, Applicants further submit that claims 19 and 22 are in addition allowable for at least this reason.

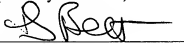
CONCLUSION

Therefore, in view of the above amendments and remarks, it is respectfully requested that a Notice of Allowance as to all pending claims be issued in this case.

If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

By 
Thomas J. Bean

Registration No.: 44,528
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant